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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Cayman Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: The Cayman Islands is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administrative Power: Governor Duncan Taylor (January 2010).

Geography: Located some 290 km west of Jamaica and about the same distance south of Cuba, the Territory comprises three islands: Grand Cayman, Cayman Brac and the adjacent Little Cayman.

Land area: 264 km^2.

Exclusive economic zone: 119,137 km^2.[a]

Population: 55,036 (2010 census), approximately 56 per cent of which are Caymanian and 44 per cent are non-Caymanian. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British Overseas Territory citizens.

Ethnic composition: Afro-European (40 per cent), African (20 per cent), European (20 per cent), other (20 per cent).

Languages: English.

Capital: George Town.

Head of the territorial Government: McKeeva Bush.

Main political parties: United Democratic Party and People's Progressive Movement.

Elections: The most recent elections were held in May 2009; the next elections are due in 2013.

Legislature: 18-member Legislative Assembly (15 elected and 3 ex officio members).

Gross domestic product per capita: CI$ 42,442 (2010 estimate).

Economy: Offshore financial services and tourism.

Main trading partners: United States of America.

Unemployment rate: 6 per cent (2009 estimate).

Monetary unit: Cayman dollar, pegged to the United States dollar at CI$ 0.83.

Brief history: The Territory was reportedly sighted by Christopher Columbus in the late fifteenth century and one century later by Sir Francis Drake. The first recorded British settlements were established between 1661 and 1671. The first land grant by the British Governor of Jamaica, in 1734, was aimed at developing an existing settlement and included the use of slaves. A tradition of self-government gradually grew in the Territory, with matters of public concern initially decided at meetings of all free men. A legislative assembly was established in 1831,

and slavery was abolished in 1834. The constitutional relationship between the Territory and Jamaica remained ambiguous until 1863, when an act of the United Kingdom Parliament made the Cayman Islands a dependency of Jamaica. When Jamaica achieved independence in 1962, the Islands remained under the British Crown.

[a] Data from the Sea around Us project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political issues

1. Under the 2009 Constitution, the Governor, appointed for four years by the British Crown, is responsible for external affairs, defence, internal security and the civil service.

2. The Territory's Cabinet is headed by a Premier. The Governor appoints as Premier the member of the Territory's 18-member Legislative Assembly who is recommended by the party with the majority of seats. The Cabinet is chaired by the Governor and consists of five ministers elected by and from within the elected membership of the Legislative Assembly, and two appointed civil servants.

3. During the general elections held in 2009, the United Democratic Party won over the incumbent People's Progressive Movement, winning 9 of the then 15 seats in the Legislative Assembly. The People's Progressive Movement won five seats, and an independent candidate secured one seat. As a result, McKeeva Bush, leader of the United Democratic Party, replaced Kurt Tibbetts as the Leader of Government Business (now known as the Premier).

4. The judiciary consists of a Summary Court (including the Youth Court), a Grand Court and a Court of Appeal. The Summary Court has civil and criminal jurisdiction. Appeals from the Summary Court lie to the Grand Court, which is a superior court of record and administers the common law, the law of equity of England and locally enacted and applied laws. Appeals from the Grand Court lie to the Court of Appeal, composed of a president and not less than two judges. Further appeal lies, in certain circumstances, to the Judicial Committee of the Privy Council in London. According to the 2011 Speech from the Throne, the Cayman Islands set up a Judicial and Legal Services Commission and appointed its first Director of Public Prosecutions.

5. At the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: goals and expected accomplishments, held in Kingstown from 31 May to 2 June 2011 under the auspices of the Special Committee on Decolonization, a representative of the Cayman Islands Chamber of Commerce, speaking also for the Concerned Citizens Group and People for Referendum, stated, inter alia, that the introduction of new administrative arrangements under the new Constitution was not considered a sincere attempt to advance towards self-determination. It appeared as if any movement towards self-determination was at an impasse for the Cayman Islands. He added that "constitutional modernization" was in itself not a move away from colonization, although it was often portrayed as a legitimate and acceptable means of decolonization (for the full text of the statement, see www.un.org/en/decolonization/regsem2011.shtml).

6. Speaking at a public meeting hosted by the Constitutional Commission on 18 October 2011, the Premier urged the commissioners to consider the issue of independence in their education campaign on the advancement of the Cayman Islands Constitution and the Territory's relationship with the United Kingdom of Great Britain and Northern Ireland. He was not advocating independence at the present time but rather urging the commissioners to begin talking about it.

7. On 18 November 2011, the Cayman Islands Review Committee, established by the Premier earlier in 2011, issued a report entitled "United Kingdom and Cayman

Islands Relationship Review". The Review Committee found among the central issues raised during the consultative exercise a desire to enhance the relationship between the Cayman Islands and the United Kingdom in new and mutually beneficial ways with a view to having more local autonomy, while at the same time establishing a relationship that effectively built in the necessary controls and allowed for sustained support from the United Kingdom, for instance when the Territory came under pressure from the international financial community. The Review Committee also found an interest in enabling the greatest possible amount of local governance, while at the same time ensuring that every necessary check was in place to guarantee that there was good governance, transparency in decision-making and accountability for decisions taken. Furthermore, in district meetings conducted by the Review Committee, reference was made to self-determination alternatives to independence that are permissible under the United Nations framework, including integration and free association. It was noted that a free association agreement could facilitate greater internal self-government without necessarily committing to independence.

II. Budget

8. According to the United Kingdom, the Territory's 2011/12 budget document forecasts total operating revenues of CI$ 535.8 million and total operating expenses of CI$ 489.9 million. Unaudited financial results indicated that during the financial year ended 30 June 2011, the territorial Government registered a net deficit of CI$ 23.4 million, compared with CI$ 44.4 million for the previous financial year. As outlined in the territorial Government's 2011 budget address, the Territory's five key fiscal strategies constituted the major pillars of the Government's short-term policy for the financial year 2011/12. Those strategies were: (a) control of Government expenditure; (b) management of public debt; (c) revenue enhancement; (d) financial improvement of statutory authorities and Government companies; and (e) public-private partnerships.

9. On 23 November 2011, the United Kingdom and the Cayman Islands signed a framework for fiscal responsibility that commits the Territory to prudent and transparent fiscal management through effective medium-term planning, putting value-for-money considerations at the heart of the territorial Government's decision-making and delivering improved accountability in all public sector operations.

10. According to the report issued in December 2011 by the Education International Research Institute on behalf of the Council of Global Unions entitled "Global Corporate Taxation and Resources for Quality Public Services", the Cayman Islands is a jurisdiction with no individual or corporate income tax. The principal sources of Government revenue are import duties, financial services, fees and stamp duties.

III. Economic conditions

A. General

11. The Cayman Islands has one of the highest standards of living in the Caribbean. The economy is based on the provision of financial services, the

dominant sector in the economy, and tourism. The Economist Intelligence Unit estimated the Territory's gross domestic product (GDP) for 2011 to be in the region of US$ 3 billion, with a growth rate of 1 per cent.

12. According to the Cayman Islands semi-annual economic report released in September 2011, in the first half of 2011 the Territory's economy grew by 1.3 per cent, and imports rose by 4.6 per cent to CI$ 360.9 million, indicative of a mild recovery.

13. The Government's openness to partnership that would facilitate economic activity in the private sector was evidenced by the work of the Ministerial Councils for Tourism and Housing, the Department of Commerce and Investment, the Tourism Advisory Council, the Financial Services Council and the National Investment Council, as well as meetings with foreign investors and the setting up of overseas investment offices. According to media reports, in 2011 the territorial Government established its first special economic zone to attract global science, technology, commodities and derivatives, media, and educational entities to the Cayman Islands.

B. Financial services

14. The financial services sector, one of the pillars of the Cayman Islands economy, accounts for approximately 42 per cent of GDP. As reflected in the Cayman Islands annual economic report for 2010, the sector exhibited mixed signals. Insurance licences declined by 4.4 per cent compared with the previous year. Downturns were recorded in mutual funds registration and stock exchange listings, while new company registrations grew by 3.7 per cent. Late in 2011, 9,439 hedge funds were registered in the Cayman Islands, 761 fewer than the record number of 10,200 reached in 2008.

15. According to the report issued by the Education International Research Institute in December 2011, foreign corporations pay licence fees to operate in the Cayman Islands. In 2011, the Cayman Islands decided to introduce a single revenue measure for the hedge funds sector and to regulate certain funds through the Cayman Islands Monetary Authority.

C. Tourism

16. Tourism and tourism-related services, including the recent emergence of so-called medical and sports tourism, accounted for 30 to 40 per cent of the Territory's GDP.

17. According to the Cayman Islands annual economic report for 2010, the tourist sector rebounded with a growth rate of 5.2 per cent, with an increase in air and cruise arrivals by 6 per cent and 5.1 per cent, respectively. A total of almost 1.9 million arrivals were reported, with some 288,000 tourists arriving by air in 2010.

18. According to the 2011 budget address, the above-par revenue performance of the tourism sector occurred as a result of an 8.2 per cent increase in long-stay arrivals and a 3.9 per cent increase in cruise ship passengers for the 10-month period

ended April 2011. For the 2011 calendar year, however, a downturn in cruise ship arrivals was recorded.

19. According to the 2011 Speech from the Throne, the Ministry of Finance, Tourism and Development would continue to enhance Owen Roberts International Airport, as well as cruise berthing facilities in George Town and Spotts. Other initiatives included the training of tourism service providers and public servants, as well as the promotion of a "Go green" initiative, with a view to promoting the Cayman Islands as a premier eco-tourism destination.

20. International air services link Grand Cayman to Canada, Cuba, Honduras, Jamaica, the United States of America and Europe. Domestic airline services and charters operate between the three islands.

D. Agriculture

21. In 2011 the primary strategic goal of the Territory's Department of Agriculture continued to be the enhancement of national food security through increased domestic production within targeted segments of the agricultural sector, based on a balanced focus on both traditional commercial farmers and backyard producers. According to information provided by the United Kingdom, in 2010 the sector posted growth of 2.1 per cent in its contribution to total GDP, increasing to CI$ 9.1 million from CI$ 8.9 million in 2009. Key crops include mangoes; fresh vegetables, such as tomatoes, sweet peppers and cucumbers; and root crops, such as yams and sweet potatoes. Cattle, pigs and goats make up the majority of the livestock subsector.

22. Furthermore, through the provision of agronomic advice and technical assistance, the Department continued to place emphasis on the adoption of protected agricultural systems as a mechanism for increasing domestic production. In Grand Cayman, those efforts resulted in both an expansion of the protected area, estimated at two acres in 2010, and an increase in total output.

E. Infrastructure

23. According to the Cayman Islands semi-annual economic report, construction dramatically declined in the first six months of 2011. The value of building permits declined by 21.3 per cent, and building permit numbers fell by 34.1 per cent. The number of project approvals declined by 44.8 per cent, to 387. According to the United Kingdom, public housing development is ongoing in 2011.

24. The road network of the Cayman Islands comprises approximately 785 km of roadways, the majority of which are located in Grand Cayman. According to the United Kingdom, in 2011 the Government reconstructed 3.3 km of urban collector roads, resurfaced 1 km of primary arterial road, constructed 2.1 km of rural collector road to provide access to the new Blue Iguana reserve in East End, and performed major maintenance or rehabilitation on 85 district roads. One major storm water management project was also completed in Bodden Town, where annual flooding during the rainy seasons was creating a public health hazard.

25. The port of George Town is the main gateway for cruise ships. According to official sources, in 2011 the Territory embarked on a major development of its cruise port facilities estimated at CI$ 300 million. A new cargo facility in East End is being developed.

F. Telecommunications and utilities

26. As a leading international business centre, the Cayman Islands is dependent on telecommunications and utility services. Four telephone companies provide fixed and/or mobile voice and data services, and there are 15 FM radio broadcasting stations and one television broadcaster. According to statistics from the Territory's Information and Communications Technology Authority, as at 30 June 2011 the total number of fixed and mobile telephone lines in service had decreased by 3.3 per cent to 133,177 over the previous year. Total domestic and international communication minutes had declined by 14.2 per cent and 16.6 per cent, respectively.

27. According to the United Kingdom, on Grand Cayman almost all power generation is reliant on imported diesel. The Caribbean Utilities Company has a non-exclusive licence to generate electricity and an exclusive licence to transmit and distribute it (on Cayman Brac and Little Cayman, the Cayman Brac Power and Light Company has exclusive licences). In 2010, the Caribbean Utilities Company served 22,620 residential and 3,816 commercial customers. According to the Territory's semi-annual economic report, both electricity and water consumption by residential and commercial consumers fell during the first half of 2011, in the midst of rising utility prices.

28. According to the 2011 Speech from the Throne, under the Ministry of District Administration, Works, Lands and Agriculture, the Territory's electricity regulatory authority was in the process of drafting a national energy policy.

IV. Social conditions

A. Labour and immigration

29. According to information contained in the Cayman Islands annual economic report for 2010, the estimated labour force that year comprised 35,859 persons, including 33,463 employed and 2,396 unemployed. The labour force declined in 2010 by an estimated 241 persons, and the number of unemployed rose by an estimated 216 persons.

30. The labour supply in the financial, construction, retail and office sectors is essentially demand-driven, with some 50 per cent of the demand being met through expatriate workers. According to the semi-annual economic report for 2011, work permits declined by 7.5 per cent, settling at 19,920. General background information on the Territory's immigration and related policies can be found in document A/AC.109/2011/13.

B. Education

31. The Ministry of Education, Training and Employment launched an Education Stabilization Plan during the 2010/11 academic year, laying out clear goals for enhancing leadership and governance; student performance; and skills for work readiness. The implementation of the Plan has led to the establishment of an Early Childhood Care and Education Unit, a pilot national curriculum and training programmes for early years practitioners. An inspection regime has also been established.

32. Education is compulsory for all resident children between 4 and 16 years of age. The public education system caters to about two thirds of Caymanian children, with the remainder attending fee-paying schools. Tuition is free for Caymanians at the public primary and high schools. Private schools also provide primary and/or secondary education and are monitored by the territorial Government.

33. Two public and two private institutions provide tertiary education. The University College of the Cayman Islands, until 2004 known as the Community College, is owned by the territorial Government and administered independently. The Cayman Islands Law School, affiliated with the University of Liverpool in the United Kingdom, is also Government-owned, whereas the International College of the Cayman Islands and the St. Matthew's University are private.

C. Public health

34. The Territory's Health Services Authority is responsible for the provision of all public health care. In addition to general medical care, a wide range of specialist services is locally available. Health Practice Councils are responsible for the registration of all health practitioners. There is one 124-bed Government-run hospital, which includes an emergency room, and the private 18-bed Chrissie Tomlinson Memorial Hospital, both in George Town. There is also an 18-bed Government-run hospital on Cayman Brac, as well as several district health centres and clinics throughout the Territory. The territorial Government spent CI$ 93.4 million on health care in the 2010/11 financial year.

35. Health insurance is compulsory in the Cayman Islands. The Cayman Islands National Insurance Company provides health insurance for about 13,000 customers, including civil servants; pensioners; other Government entities; seamen, veterans and their dependants; the Company's employees; and low-income Cayman residents with impaired health status. As the current minimum insurance does not provide adequate coverage, it continues to be under review. The strategic plan for the period 2010-2015 recognizes the need to improve revenues in the Territory's health sector.

D. Crime and public safety

36. The approximately 465-strong Royal Cayman Islands Police Service is headed by a Commissioner, who reports to the Governor. According to the United Kingdom, as at 1 December 2011, crime had decreased by almost 9 per cent compared with the previous year. Significant improvements have been evident in the prevention of burglary, with a reduction of 14 per cent (72 fewer offences), and firearms recovery, with an increase of 50 per cent.

37. According to the 2011 Speech from the Throne, the territorial Government attached great importance to security, which resulted in a reduction in crime. A crime prevention strategy agreed by the National Security Council was aimed at reducing both crime and reoffence rates. The Islands developed strategic partnerships with the law enforcement agencies of Canada, Jamaica and the United States. According to media reports, the administering Power sent one of its most senior political officers and gang experts to the Territory in 2011 to help in the area of crime investigation.

38. In 2011, the Territory's Prison Service offered programmes in line with its mandate to rehabilitate prisoners, while the Department of Community Rehabilitation provided community-based rehabilitation alternatives to imprisonment, including an intensive day supervision programme and a mentoring programme to help stem gang-related shootings.

39. The Cayman Islands Monetary Authority is the body responsible for monitoring compliance with international financial standards in the Territory and reporting findings to the territorial Government on a regular basis. As previously reported, in accordance with the Territory's Anti-Corruption Law, an Anti-Corruption Commission was established in 2010. Additional information can be found in document A/AC.109/2011/13.

40. The Financial Action Task Force, an independent intergovernmental body that develops and promotes policies to protect the global financial system against money-laundering and terrorist financing, provides general background information on money-laundering with respect to the Cayman Islands in their October 2010 report entitled "Money-Laundering Using Trust and Company Service Providers". A 2011 World Bank report entitled *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do about It* contained information on grand corruption cases with respect to the Territory.

41. With regard to security matters, the administering Power decided in 2011 to deploy a specially equipped Royal Fleet Auxiliary to support disaster relief and counter-narcotics efforts in the British Overseas Territories in the Caribbean in the implementation of decisions taken in its recent strategic defence and security review.

42. The success of the Drug Rehabilitation Court has resulted in the establishment of similar courts for mental health and domestic violence issues.

E. Human rights

43. The Territory is subject to several major human rights conventions to which the administering Power has acceded, including the European Convention on Human Rights. The Treaties and Conventions Unit within the Attorney General's Chambers oversees the extension of the international human rights instruments to the Cayman Islands.

44. In accordance with the provisions of the 2009 Constitution, the Territory set up a Human Rights Commission to replace the Human Rights Committee, with responsibilities such as receiving and investigating complaints of breaches or infringement of any right or freedom contained in any human rights treaty in force in the Islands. The Commission is also empowered to issue independent reports

relating to human rights and promote the understanding and awareness of human rights. However, the Commission does not have the authority to represent or provide representation to parties to litigation in which human rights issues may arise, act in a judicial capacity or make binding determinations upon any matter.

45. The territorial Government passed a Gender Equality Bill in September 2011. According to the 2011 Speech from the Throne, the new law requires employers to provide equal wages and promotion opportunities to men and women and prohibits sexual harassment at work. Furthermore, a new Freedom of Information Unit offers public sector training and support on the Freedom of Information Law and works on the eventual introduction of legislation on data protection. The Ministry of Community Affairs, Gender and Housing is responsible for empowering the vulnerable and disadvantaged.

V. Environment and disaster preparedness

46. In 2010, the Department of Environment completed the first draft of a national climate change adaptation and mitigation policy. A Cayman Islands climate change policy was released in September 2011, which outlined consensus-based interventions to be implemented over five years to address the impact of climate change on the Territory, including measures to curb greenhouse gas emissions.

47. According to the 2011 Speech from the Throne, in addition to the further development of Barkers National Park, the territorial Government promoted a comprehensive solid-waste disposal management and waste-to-energy facility for Grand Cayman, while completing solid-waste environmental impact assessments on Cayman Brac.

48. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's Overseas Territories: UK Government and civil society support", on the advice and support available to the Territories in its areas of competence, and highlighted the availability of departmental funds for that purpose.

49. The Planning Department and the National Scientific Research Council work alongside other agencies to ensure that the Territory's natural resources are preserved and protected. The Hazard Management Cayman Islands agency has overall responsibility for the Territory's hazard management programme, including preparedness, response, mitigation and recovery. An annual hurricane exercise is conducted prior to the start of the hurricane season, which runs from 1 June to 30 November.

VI. Relations with international organizations and partners

50. The Cayman Islands is an associate member of the Economic Commission for Latin America and the Caribbean and of the United Nations Educational, Scientific and Cultural Organization. It is a member of the Universal Postal Union. The Cayman Islands also participates in the work of the Caribbean Community as an associate member and is a member of the Caribbean Development Bank and the International Olympic Committee.

51. As a Non-Self-Governing Territory of the United Kingdom, the Cayman Islands is associated with but not a part of the European Union.

52. According to the November 2011 report entitled "United Kingdom and Cayman Islands Relationship Review", the Cayman Islands provided support to other British Overseas Territories, particularly in the Caribbean region, in such areas as the rehabilitation of offenders, elections, disaster relief, improvements to land registry systems, financial development and policing and immigration. The report reflected the wish expressed during the review exercise to reach out more and to build a network for reciprocal cooperation and assistance among Overseas Territories.

VII. Future status of the Territory

A. Position of the territorial Government

53. Information on the position of the territorial Government regarding the future status of the Cayman Islands is contained in section I above.

B. Position of the administering Power

54. On 3 October 2011, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-sixth session of the General Assembly. According to the record of the meeting (A/C.4/66/SR.2), the representative said that the relationship of the United Kingdom with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a Territory, his Government would help that Territory to achieve it. Where a Territory wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

55. The speaker went on to say that the Secretary of State for Foreign and Commonwealth Affairs had recently announced the Government's new strategy with respect to the Overseas Territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its Territories; to work with the Territories in strengthening good governance, public financial management and economic planning where necessary; and to improve the support available to the Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to make their views on priorities known. The outcome of the exercise would inform the white paper on the Territories that the Government intended to publish in 2012. The Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory. The speaker further stressed that where high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene.

C. Action taken by the General Assembly

56. On 9 December 2011, the General Assembly adopted resolution 66/89 A and B on the basis of the report of the Special Committee (A/66/23) and the subsequent recommendation of the Fourth Committee. Section V of resolution 66/89 B concerns the Cayman Islands, the operative part of which reads:

The General Assembly,

...

1. *Recalls* the Constitution, which took effect in 2009, and stresses the importance of the work of the new Constitutional Commission, including human rights education, in the Territory;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public awareness outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the Territory's active participation in the work of the Economic Commission for Latin America and the Caribbean;

4. *Also welcomes* the efforts made by the territorial Government to implement sectoral management policies such as investment facilitation and regulation and the promotion of medical and sports tourism, as well as unemployment alleviation programmes in various economic sectors.